

REMARKS

The present amendment is submitted in response to the Office action dated March 9, 2006, which set a three-month period for response, making this amendment due by June 9, 2006.

Claims 1-7 and 9-11 are pending in this application.

In the Office Action, the Examiner indicated that the previous final rejection of the claims had been withdrawn based on the arguments presented in the Appeal Brief filed January 17, 2006. However, claims 1-5, 7, and 9-11 now stand rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/39912 to Habele et al in view of FR 1098914 to Bignon. Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Habele et al in view of Bignon, further in view of U.S. Patent No. 6,265,804 to Nitta et al. Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Habele et al in view of Bignon, further in view of U.S. Patent No. 6,326,710 to Guenther et al.

In the present amendment, claim 1 has been amended to define over the newly cited reference combination by adding the limitations of claim 8 AND the feature that the stop face is fixed to a yoke part of a stator of the electric motor. This feature is disclosed in the specification on page 10, first paragraph, while disclosure that the yoke part 16 is part of the stator of the electric motor is provided on page 7, first paragraph.

Amended claim 1 also defines that the self-clamping force generated by the stop face presses the brake shoe against the rotor, which is disclosed in the specification on page 10, second paragraph. Claim 8 has been canceled.

The Applicant respectfully submits that amended claim 1 defines a patentably distinct set of features that is not suggested by the cited reference combination. Even if the practitioner were to combine the Habele and Bignon references, despite the obvious constructive differences, the resulting device still would not have some of the essential features of the present invention.

In particular, the device resulting from combining Habele and Bignon would not have a brake element, wherein the brake element in the braking position rests on the trailing end on a fixed stop face of a yoke part of a stator, and the stop face has a predetermined angle of inclination relative to the radial direction, in order to attain a self-clamping of the brake element, such that the self-clamping presses the brake shoes against the rotor, as defined in amended claim 1.

In addition, the practitioner would not obtain these features by combining Habele, Bignon and Guenther, because Guenther also does not disclose a fixed, inclined stop face of the yoke part, as defined in amended claim 1. The only face on which the brake element rests in Guenther is the surface 30 of the armature 14 (see Guenther, column 3, lines 1-4; reference numerals refer to Guenther's Fig. 2). This surface 30 is not a face of a yoke part of the electric motor.

Furthermore, the surface 30 does not have a predetermined angle of inclination relative to the radial direction in order to attain a self-clamping of the

brake element, wherein said self-clamping could press the brake shoe against the rotor/armature. On the contrary, the cylindrical shape of the surface 30 makes any self-clamping impossible.

Based on the reasons set forth above, upon studying Guenther, the practitioner actually would be lead away from the present invention, which teaches providing an inclined face in order to obtain a self-clamping effect: Guenther teaches providing a braking force proportional to the strength of the spring forces in order to obtain a substantially gentle, even braking without jerking (see Guenther, column 3, lines 2-11). Since proportionality between the braking force and the strength of the spring forces excludes a non-linear self-clamping effect, Guenther clearly teaches away from the present invention.

Therefore, because the cited combination of references does not provide or suggest all of the features of amended claim 1, the rejection under Section 103 must be withdrawn. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under Section 103, teachings of references can be combined only if there is some suggestion or incentive to do so. *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 221 USPQ 929, 932, 933 (Fed. Cir. 1984).

For the reasons set forth above, the Applicant respectfully submits that claims 1-7 and 9-11 are patentable over the cited art. The Applicant further requests withdrawal of the rejections under 35 U.S.C. 103 and reconsideration of the claims as herein amended.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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